



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMEN WEEKLY and MACK

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED, CITY CLERK BARBARA JO (RONI) RONEMUS, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:

Las Vegas Library, 833 Las Vegas Boulevard North

Senior Citizens Center, 450 E. Bonanza Road

Clark County Government Center, 500 S. Grand Central Pkwy

Court Clerk's Bulletin Board, City Hall

City Hall Plaza, Posting Board

(4:02)

1-1

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2002-143 – Permits restricted gaming at supper club business establishments. Proposed by Mark Vincent, Director, Finance and Business Services

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will permit supper club business establishments to have slot machines. A maximum of ten slot machines will be permitted in establishments having at least five thousand square feet of usable floor space. Not more than five slot machines will be permitted in establishments having less than five thousand square feet of usable floor space.

RECOMMENDATION:

REFERRED back to the 3/31/2003 Recommending Committee pursuant to the 3/19/2003 City Council.

First Reading – 12/18/2002; First Publication – N/A

BACKUP DOCUMENTATION:

Bill No. 2002-143

COMMITTEE RECOMMENDATION:

COUNCILMAN WEEKLY recommended Bill 2002-143 be forwarded to the Full Council with no recommendation.

NOTE: COUNCILMAN MACK abstained since his brother-in-law, ANDREW DONNER, owns Timbers Hospitality Group, which is a tavern business and might be affected by action on this bill.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF MARCH 31, 2003

City Attorney

Item 1 – Bill No. 2002-143

MINUTES – Continued:

JIM DiFIORE, Manager of Business Services, stated that the bill as proposed would permit five slot machines in supperclubs with less than 5,000 square feet of useable floor space and up to 10 slot machines in supperclubs with greater useable floor space. There were concerns raised at the public hearing by both the tavern industry and the supperclub industry. MR. DiFIORE suggested that comments be taken from those present to speak prior to his making any recommendation.

RON DRAKE, President of Nevada Tavern Owners Association, indicated that his organization remains concerned with the motivation behind the bill. If the purpose is to increase fees, there are better solutions. He suggested that taverns be permitted the additional five machines allowed prior to the ordinance reducing the number of machines five years ago. The additional machines in the 240 or so taverns in the City would generate a significant amount of revenue. It appears that the bill is a bail out of an operator who cannot continue operating as a supperclub. This is not needed by the national chains. The original purpose of the supperclub was to allow the national chains in the same area as a tavern. There is a need for that within the community. Tavern owners have seen a significant decrease in food business and now the supperclubs are also asking to get into the gaming business.

He pointed out that the County scaled back the number of machines permitted in supperclubs because the greater number of machines were allowing opportunists to take advantage of the law. Advances in technology actually makes five machines a lot to work with and ten machines makes them a tavern. In combination with Bill 2002-145, supperclubs could operate within 400 feet of a school or church and without restriction regarding taverns. The restaurant rows would operate throughout the City. His organization is opposed to that and supports the 1500 foot distance separation. MR. DRAKE also submitted a letter from GLORIA PETERMAN, who owns a tavern at 1966 North Rainbow.

ATTORNEY BOB OLSEN appeared representing Exber, Inc., who operates the El Cortez Hotel and Casino. The City has passed an ordinance creating the Downtown Entertainment Overlay District, providing for a number of venues and possible supperclubs within the district. The concern is that gaming was a key factor in negotiating the terms of that ordinance. If the supperclub bill is passed as currently drafted, it will allow hundreds of slot machines in the area created by Ordinance 5521. His client's objection is that the Downtown Entertainment Overlay District should be exempted.

RECOMMENDING COMMITTEE MEETING OF MARCH 31, 2003

City Attorney

Item 1 – Bill No. 2002-143

MINUTES – Continued:

ATTORNEY TOM AMICK, Kummer Kaempfer Bonner & Renshaw, appeared on behalf of Houlihan's, a supperclub, in support of this proposed bill. The issues he raised in the past remain the same. It is important not to blur the distinction between taverns and supperclubs. The mere ability to have five slot machines, as is permitted in Clark County, Henderson and North Las Vegas, will not suddenly cause supperclubs to be taverns. There are still a host of restrictions supperclubs must follow. These include seating requirements, food to alcohol ratios and staffing. Supperclubs have to act like restaurants because that is what they are. Taverns do not have any such restrictions. Taverns may sell food, but are not required to do so. The addition of slot machines will not change those other requirements. The request or suggestion to permit additional machines for tavern owners proves the point. It is proven in other jurisdictions that permitting slot machines into supperclubs has not hurt the tavern industry in those other jurisdictions.

ATTORNEY AMICK pointed out that the granting of gaming within a supperclub is discretionary. The Council may deny such a request where they deem it to be inappropriate. This is a policy issue. When the Council gives businesses the ability to be more profitable without impacting neighborhoods, it helps everyone. Doing so increases jobs, property tax, sales tax and other benefits.

MR. DiFIORE stated that the arguments have remained unchanged. Bill 2002-145 is a companion bill regarding liquor. Distance guidelines in the liquor bill may be something the Council would want to consider in the future. At this time, he recommended amending the bill to permit five slot machines regardless of the square footage of the supperclub. Consistency with the other Valley jurisdictions has been a City goal for many years. At a minimum, he would support this bill as doing so.

COUNCILMAN WEEKLY discussed with MR. DiFIORE that at a meeting last year there was a suggestion that the Council consider adoption of distance requirements and exemptions thereto for taverns. One of the Council members suggested restricted gaming in the supperclub industry at that time. The fiscal impact of five slot machines would be approximately \$17,500 in gaming fees to the City. Ten slot machines would generate an additional \$40,000 annually in gaming fees. The impact on the industry is impossible to say. He suggested that the ordinance could be adopted for a year and then the impact identified. It is doubtful that the after work gambler will go to a supperclub rather than a tavern. Standardizing the industry in all jurisdictions makes good sense.

RECOMMENDING COMMITTEE MEETING OF MARCH 31, 2003

City Attorney

Item 1 – Bill No. 2002-143

MINUTES – Continued:

COUNCILMAN WEEKLY stated that he would be passing this onto the full Council with no recommendation, as there are other Council members who want to discuss this matter. Not everything works the same in all parts of town.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:02 – 4:18)

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-27 – Annexation No. ANX-1069 – Property location: On the southeast corner of Hualapai Way and Grand Teton Drive; Petitioned by: Beazer Homes Holding Corporation; Acreage: 2.45 acres; Zoned: R-E (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the southeast corner of Hualapai Way and Grand Teton Drive. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (April 25, 2003) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-27 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-27 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED said this matter is in order.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:18)

1-485

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-28 – Annexation No. ANX-1343 – Property location: On the south side of Corbett Street, east and west of Bronco Street; Petitioned by: Bronco/Corbett LLC; Acreage: 4.54 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the south side of Corbett Street, east and west of Bronco Street. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (April 25, 2003) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-28 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-28 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED said this matter is in order.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:18)

1-499

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2003-29 – Allows the uses “Recreational Vehicle and Boat Storage” and “Mini-warehouse” by means of special use permit in the N-S Zoning District. Sponsored by: Councilman Larry Brown

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

The City’s zoning regulations currently do not allow the uses “Recreational Vehicle and Boat Storage” and “Mini-warehouse” in the N-S Zoning District. This bill will allow those uses in the N-S District by means of special use permit, subject to certain minimum conditions to minimize their impact.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-29

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-29 be forwarded to the Full Council with a “Do Pass” recommendation. **COUNCILMAN WEEKLY** concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director of Planning & Development, indicated that these uses are not allowed in the limited Neighborhood Services zone, which does not appear in very many places throughout the City or in the office zone, as recently proposed by the City along the north side of Cheyenne, west of Rampart. Subsequently, two property owners sought rezoning to C-1, which includes uses that may not be appropriate. As an alternative, this change to the code would appear to be rather passive in nature and conditions could be imposed on the special use permit so that the City retains control of what happens on the sites. Staff recommends approval.

RECOMMENDING COMMITTEE MEETING OF MARCH 31, 2003

City Attorney

Item 4 – Bill No. 2003-29

MINUTES – Continued:

COUNCILMAN MACK questioned whether the code was revised to allow recreational vehicle and boat storage within a mini-storage facility without a special use permit. MR. GENZER answered that he would verify that information and report back to the Councilman.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:18)

1-512

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-30 – Levies Assessment for Special Improvement District No. 1484 - Alta Drive
(Rancho Drive to Valley View Boulevard) Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

Amount: \$124,122.91

☒

Budget Funds Available

Dept./Division: Public Works/SID

☐

Augmentation Required

Funding Source: Capital Projects Fund - Special
Assessments

PURPOSE/BACKGROUND:

Levies the assessment for the costs of street improvements and street beautification improvements (installation of 34-foot wide pavement section, curb, gutter, sidewalk, streetlights, residential driveways, landscaping, irrigation systems, and entry monumentation) along Alta from Rancho Drive to approximately 275 feet west of Lacy Lane.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-30

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-30 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED said this matter is in order.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:21)

1-599

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:****NEW BILL:**

Bill No. 2003-31 – Amends Ordinance No. 5291 (creating Special Improvement District No. 808 - Summerlin Area), and approves the First Amendment to the Development and Financing Agreement related thereto. Proposed by: Richard D. Goecke, Director of Public Works

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

Ordinance No. 5291, adopted February 7, 2001, provided for the acquisition, construction, and installation of street, storm sewer, sanitary sewer, and water projects in the Summerlin Area. This Bill will amend Ordinance No. 5291 to adjust the district boundary of V23A/23B, add new projects and adjust and revise project costs. The Bill will also amend the Development and Financing Agreement related to this project.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2003-31

2. First Amendment to Development and Financing Agreement

Submitted at Meeting: Letter in opposition from Gloria Peterman, Gloria's II

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-31 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF MARCH 31, 2003

City Attorney

Item 6 – Bill No. 2003-31

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY STEED said this is an ongoing project being amended to include additional scope and costs. Some of the exhibits will have to be modified to reflect a new adoption date. It is otherwise in order. The ordinance will be published, but there will be no individual notification.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:21 – 4:23)

1-609



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

None

(4:23)

1-263

THE MEETING ADJOURNED AT 4:23 P.M.

Respectfully submitted: _____
GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK
April 14, 2003